

REMARKS

The definition of R⁵ in claims 1 and 2 has been amended by incorporating claim 7 into claim 1. Similarly, the definition of R⁵ in claim 3 is now halogen. Accordingly, claim 7 has been canceled. The change in the definition of R⁵ in claims 1 and 2 as well as claim 3 renders the last clause in these claims unnecessary, and it has been deleted. Certain compounds in claim 11 have been deleted.

Rejection of claims 1-6, 8-11, and 18 under 35 U.S.C. § 103(a)

Claims 1-6, 8-11, and 18 were rejected as obvious over Morozov *et al.* for its teaching of 2,3-dihydro-2-oxo-1H-indole-1-acetamide as having anticonvulsive activity. For the following reasons, the applicants respectfully traverse.

A difference between the presently claimed compounds and the single compound disclosed by Morozov is the presence of a small, hydrophobic moiety that is either a halogen or a CF₃ moiety at position 5 of the indolone (R⁵ of the present claims). Surprisingly, the applicants found that the presence of these small, hydrophobic moieties at this position quite considerably increases the anti-convulsive activity of the compound relative to corresponding compounds lacking a small, hydrophobic moiety at that position, as demonstrated by the audiogenic seizure assay.

Accompanying this response is a Rule 132 Declaration of Benoit Kendra, one of the inventors of the present application. In the Declaration Dr. Kendra provides experimental data for several of the presently claimed compounds, demonstrating that the claimed compounds exhibit considerably increased activity compared to the compound disclosed by Morozov *et al.*, ranging from 4.5 – 120 times greater activity in the audiogenic seizure assay. Dr. Kendra further explains that in his view these results could not have been expected or predicted *a priori*. In view of this, the applicants respectfully submit that the presently claimed compounds are non-obvious over Morozov *et al.*

Rejection of claims 15 and 17 under 35 U.S.C. § 103(a)

Claims 15 and 17 were rejected as obvious over Macias. While the applicants respectfully traverse, claims 15 and 17 have been canceled hereinabove, thereby rendering this rejection moot.

Rejection of claim 15 under 35 U.S.C. § 102(b)

Claim 15 was rejected as anticipated by Tius *et al.*, *Ganellin*, and *Smith* publications. As claim 15 has been canceled, these rejections are rendered moot.

Claim Objections

Claim 1 was objected to for having a period at the end of the definition of R³. This has been corrected hereinabove.

Claims 11 and 17 were objected to as it was alleged that the word “and” needed to be inserted between the last two compounds. The applicants do not understand this requirement. Claims 11 and 17 are in standard Markush format and presently include the word “and” between the last two Markush elements. Therefore, the applicants believe the claims are in compliance with the requirements.

Information Disclosure Statement

The applicants submitted an information disclosure statement upon entry of this application into the US national phase. It appears that the ISA did not forward the art to the USPTO as a designated office. Accordingly, the applicants resubmit the previously cited IDS citing the art from the ISR.

If there are any questions or comments regarding this Response or application, the Examiner is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted,

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